

Remarks

The Office Action dated December 23, 2003 has been received and its contents carefully noted. In response thereto applicants' have amended the specification and claims in an effort to place the application in condition for allowance. Reconsideration of the objections to the specification and claims and the rejection of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

Drawings

The examiner objects to the drawings as failing to include reference signs mentioned in the description. It is believed that the four sheets of formal drawings provided with this response to replace the drawings filed with the application overcomes the objections to the drawings. All reference signs in the description are set forth and no new matter is added.

Claim Rejections 35 U.S.C. §112

Claim 16 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite. In order to overcome the rejection, the claim has been amended as set forth above to further describe that the application source is located remotely from the manufacturer of the application. In view of the amendment, it is believed that claim 16 is no longer indefinite so the objection should be withdrawn.

Information Disclosure Statements

Applicants note that the references submitted with the Information Disclosure Statements (PTO-1449) dated February 19, 2000, April 2, 2000 and June 5, 2000 are signed by the examiner as being considered on November 17, 2003.

Claim Rejections 35 U.S.C. §102 and §103

Turning now to the rejections under 35 U.S.C. §102 and §103, claims 1-5, 8-10, 12, 13-16 have been rejected as being completely shown by Rose (European Patent Application No. EP 0778,512 A2). Claims 6 and 7 have been rejected on the grounds of alleged obviousness by combining the Pashley et al. (US Patent No. 5,978,833) with Rose. Claim 11 has been rejected on the grounds of alleged obviousness by combining Pashley et al. with Rose as an obvious motivation. Applicants respectfully disagree with these rejections for the following cogent reasons.

The present invention relates to a method and system for downloading copy protected dedicated applications to a user station from an application source. During the download process, the application is dedicated, i.e., specifically configured, to only be useable by the specific user station which is identifiable to the application source via an identification code (specification page 7, lines 1-4). As clearly described and disclosed in the specification, the copy protected dedicated application will only function with the specific mobile station which matches the identification code specific to the mobile station because the downloaded application now residing in the mobile station will check and match the identification code given to it (i.e., the downloaded application) at the time the order was placed in the application when the application is executed. In other words, the copy protected dedicated application can only be executed in the mobile station placing the original order. The copy protected dedicated application cannot be executed on a different mobile station from the ordering mobile station because the mobile station identification code is different from the identification code of the mobile station placing the order even if the different mobile stations are operated by the same user.

As described in the specification page 11, line 15 through page 12, line 22, the mobile station 10 signals the server 30 via the network 20 to connect to the server 30 and the server returns a signal to the mobile station 10 that a connection is open. The mobile station 10 sends an order for a new application and provides its identification information in the form of an identification code 12 unique to the mobile station as represented by the reference numeral 3. The identification code 12 is that of the specific mobile station 10 placing the order. The server 30 then begins a dedication process 4 of the application to create a dedicated application 40 which includes the identification code 12 of the mobile station 10. The dedicated application 40 is automatically downloaded to the mobile station 10 from the server 30 in an executable format as indicated by the reference numeral 5. The dedicated application 40 will only function with the specific mobile station 10 which provides a matching identification code 12 specific to the mobile station 10. The dedicated application 40 is not useful if illegally copied to a different mobile station because the different mobile station does not have the identification code 12 of the mobile station 10 placing the order. In other words, the mobile station 10 is able to order and download or receive a newly created dedicated application 40 directly from the server 30 by providing unique identification information which is incorporated into the newly created dedicated application 40. Therefore, in the present application as disclosed and claimed, a dedicated application can be accessed and downloaded but it cannot be run in the terminal or mobile station if the device identification is not the same as the device identification used when the dedicated application was created.

In contrast, there is no teaching, disclosure or suggestion that Rose identifies and embeds an identification code associated with an actual hardware device to manage the distribution of the licensed application program stored on server. Rose relies upon the affirmative action of a user

to either accept a license to download a selected program and matching of the user's license with a client ID to download a selected program. In the Rose system, a user could go to different computers, and input his client ID along with the required license information to download the program since the match is made between the client ID and presumably a registered license for that client. Accordingly, there would be no way the Rose system could identify a unique identification for a specific user station and there is no suggestion, disclosure or teaching in Rose that requires matching of a unique identifier from an associated user station to allow execution of the downloaded files by matching the unique identification information of the user station to the downloaded application. Accordingly, Rose is deficient with respect to paragraph A of claim 1 by failing to disclose, teach or suggest the order comprising at least a unique identification information which identifies the user station. Rose is further is deficient with respect to paragraph B of claim 1 by failing to teach, disclose or suggest preparing a dedicated application by configuring a general application accessible to the application source to include the unique identification specific to the user station.

Rose therefore lacks a unique and essential feature of the invention as disclosed and claimed. Claims 2-8 are dependent directly or indirectly upon independent claim 1 and it is submitted that these claims are likewise allowable for similar reasons and further for limitations clearly set forth therein. With regard to claim 9, Rose is deficient with respect to at least the step of ordering an application from the distributor including automatically identifying the user station via a code specific to the user station and further with respect to the step of automatically replacing the variable with the specific user station unique identification information to make the application a dedicated application which is copy protected and which will only run on the user

station with a matching code. Claims 10-12 are dependent upon independent claim 9 and our likewise distinguishable for similar reasons and further for limitations clearly set forth therein. Rose does not teach, disclose or suggest creating dedicated applications from a "template" application (that is, a general application) in which "unique identification information which identifies the mobile station" is used to make it a dedicated application for that particular mobile station only.

With regard to claim 13, Rose does not teach, disclose or suggest a system for ordering and download is copy protected dedicated applications to a user station from an application source wherein the user station signals at least one unique identification code when placing an order for the dedicated application and therefore Rose is deficient with respect to a unique and essential feature cited in paragraph A of claim 13. Further, Rose lacks an essential element in that the application source in Rose is not responsive to the user station for receiving and checking the identification code of the user station for authentication purposes.

Likewise, Rose does not teach, disclose or suggest an application including a variable set by a manufacturer of the application which application is responsive to a command for substituting an identification code of the user station for the variable to create a dedicated application nor does Rose disclose comparing and matching the identification code of the application to the identification code of the user station. Claims 14-16 are dependent upon independent claim 13 and it is submitted that these claims are likewise distinguishable for similar reasons and further for limitations clearly set forth therein.

Applicants' submit that the Rose patent application fails to disclose essential required features of the claims by failing to provide a unique identification information identifying the user station which is used in preparing a dedicated application by configuring a general

application accessible to the application source to include the unique identification information specific to the user station. Unlike Rose, applicants' invention provides a method and system wherein the copy protected dedicated application even if downloadable to a mobile station different from a mobile station placing the order would not be executable on the mobile station because of the embedded unique identification information identifying the user station placing the order and upon which the dedicated application is configured. It is only when the examiner looks to applicants' own disclosure that he can allege obviousness by choosing bits and pieces of the prior art references and then combining these bits and pieces together based on alleged obviousness. Without a teaching (other than applicants' own teaching) to prompt the combinations/modifications, the rejection is merely improper hindsight reconstruction of applicants' own invention using applicants' own disclosure. Thus, it is not seen how the claimed method and system can be derived from these prior art references, alone or in combination, as they simply do not teach or suggest what is set out in the applicants' claims and do not provide the basis for developing the invention to persons having ordinary skill in the art to which the subject matter pertains. Accordingly, the examiner's reliance on these prior art references is not properly grounded and the rejections based thereon should be withdrawn.

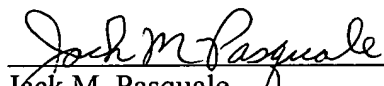
Accordingly, it is submitted that the present invention as claimed is readily distinguishable from the prior art references for the reasons indicated. Applicants' invention is not disclosed by any of the prior art and there is no fair basis for alleging that applicant's invention is obvious in regard to such prior art. If the invention was obvious, it would have been adopted before in view of its advantages.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the claims are allowable and early favorable action is solicited. The examiner is invited to call the applicants' attorney if any questions remain following review of this response.

Respectfully submitted,

Date: March 23, 2004


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